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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 VAN HUA,

9 Plaintiff,

10 v.

11 BOEING CORPORATION, *et al.*,

12 Defendants.
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No. C08-0010RSL

ORDER DENYING DEFENDANTS'
MOTION IN LIMINE REGARDING
EVIDENCE OF PLAINTIFF'S
APPLICATION FOR PROMOTION

14 This matter comes before the Court on "Defendants' Motion in Limine to Exclude
15 Evidence of Plaintiff's Alleged Application for Promotion in 2006." Dkt. # 109. Defendants
16 seek an order precluding plaintiff Van Hua from presenting testimony or evidence at trial
17 regarding his alleged application for promotion in 2006." Motion at 1. Having reviewed the
18 memoranda, declarations, and exhibits submitted by the parties,¹ the Court finds as follows:

19 Defendants argue that plaintiff's failure to produce a receipt he received when he
20 submitted his application for promotion in 2006 bars him from offering any evidence regarding
21 the application at trial. Defendants cite no rule or case law that requires such a broad
22 exclusionary order. Defendants did not obtain a court order compelling production of the
23 receipt, and plaintiff is not, therefore, in violation of such an order. Although plaintiff's failure
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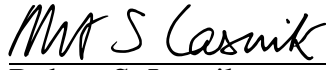
25 ¹ The issues raised can be decided on the papers submitted. Defendants' request for oral
26 argument is therefore DENIED.

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1 to produce the receipt during discovery is not without repercussions (he will not be permitted to
2 use the receipt to support his claims at trial pursuant to Fed. R. Civ. P. 37(c)(1)), he will be
3 permitted to present other admissible evidence regarding the 2006 application.

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5 For all of the foregoing reasons, defendants' motion in limine regarding the 2006
6 application is DENIED.

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8 DATED this 23rd day of November, 2009.

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11 Robert S. Lasnik
12 United States District Judge
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